

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

In re: CASE NO.: 00-00000-BKC-PGH

[DEBTOR], CHAPTER: X

Debtor(s) .

_____ /

ORDER SETTING EVIDENTIARY HEARING

This matter came before the Court upon _____.
The Court, having determined that it is appropriate to schedule
deadlines in order to expedite and facilitate the hearing on this
matter, hereby **ORDERS and ADJUDGES** that:

1. **DISCOVERY**. THE PARTIES HAVE REPRESENTED TO THE COURT THAT
ALL DISCOVERY HAS BEEN COMPLETED. **THEREFORE, NO ADDITIONAL
DISCOVERY WILL BE PERMITTED.**

2. **DATE, TIME, LOCATION**. The hearing is set for **(date)**, at
(time), at the United States Bankruptcy Court, courtroom A, the
Flagler Waterview Building, 1515 North Flagler Drive, 8th Floor,
West Palm Beach, Florida 33401. No continuances will be granted
for any reason on this matter.

3. **JOINT STIPULATION OF FACTS**. If any party is not represented

by counsel in this proceeding, this paragraph shall not apply. No later than ten (10) days prior to the hearing, the parties shall confer on the preparation of a Joint Stipulation of Facts in substantially the form of Local Form 63C. The Movant shall file the fully executed Joint Stipulation no later than one (1) business day prior to the hearing. The Court will not accept unilateral statements and will strike *sua sponte* any such submissions. The failure of any party to cooperate in the preparation of the Joint Stipulation may result in sanctions.

4. **EXHIBITS**. Movant's exhibits shall be marked numerically, and Respondent's exhibits shall be marked alphabetically. Exhibits shall be bound in one or more notebooks or contained in one or more folders, with tabs marking each exhibit, and shall be accompanied by an Exhibit Register substantially conforming to Local Form 49.

(a) **Delivery to Opposing Party**. No later than four (4) business days prior to the hearing, each side shall deliver to the opposing party a set of pre-marked exhibits (including summaries) intended to be offered as evidence at the hearing.

(b) **Objections to Exhibits**. No later than two (2) business days prior to the hearing, each side shall file and deliver any objection to the admissibility of any proposed exhibit. The objection must: (i) identify the exhibit; (ii) state the grounds for the objection; and, (iii) provide citations to authority in support of the objection. **An objection not so made - except for an objection under Federal Rule of Evidence 402 or 403 - is waived unless excused by the Court for good cause.**

(c) **Submission at Hearing**. At the hearing, the parties shall be prepared to provide a set of pre-marked exhibits to the Court and opposing counsel, and copies of relevant exhibits to witnesses.

5. **SWORN DECLARATIONS**. At each party's option, the direct testimony of any witness, except adverse, hostile, or rebuttal witness, may be presented by sworn declaration consisting of a succinct written statement of the direct testimony that the witness would be prepared to give if questions were propounded in the usual fashion at the hearing. If a party offers a sworn declaration in lieu of direct testimony:

(a) The statement shall substantially conform to Local Form 63B and shall be signed by the declarant under penalty of perjury;

(b) Each statement of fact shall be separate, shall be

sequentially numbered, and shall contain only facts that are relevant and material to the contested issue before the court, avoiding redundancies, hearsay, and other obviously objectionable statements;

(c) The statement may be referenced as the witness' "sworn declaration of fact;"

(d) The original sworn declaration of fact shall be marked as a proposed exhibit and filed and delivered as otherwise required by this Order;

(e) Objections to any portion of a sworn declaration of fact may be raised at the time the sworn declaration of fact is offered to the Court. The witness shall then be sworn and asked if the sworn declaration of fact correctly reflects the testimony that would be given if the witness was asked the appropriate questions. Opposing counsel may then cross-examine the witness. At the conclusion of cross-examination, the party whose witness is on the stand may conduct redirect examination in the usual manner; and

(f) The Court may require that direct testimony be provided in the usual manner during the hearing even if a sworn declaration of fact is offered.

6. **WITNESS LIST**. No later than four (4) business days prior to the hearing, each side shall file, and deliver to the opposing party, a witness list.

7. **FINAL ARGUMENT**. At the conclusion of the hearing, the Court, in lieu of final argument, may request that each party submit a proposed Memorandum Order incorporating findings of fact and conclusions of law in a word processing format via e-mail to chambers at: **PGH_Chambers@flsb.uscourts.gov**.

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Copies furnished to: